

1 FRANK R. UBHAUS, CA STATE BAR NO. 46085
CHRISTINE H. LONG, CA STATE BAR NO. 199676
2 BERLINER COHEN
TEN ALMADEN BOULEVARD
3 ELEVENTH FLOOR
SAN JOSE, CALIFORNIA 95113-2233
4 TELEPHONE: (408) 286-5800
FACSIMILE: (408) 998-5388
5 frank.ubhaus@berliner.com
christine.long@berliner.com
6

7 ATTORNEYS FOR DEFENDANT ATIRA TECHNOLOGIES,
LLC.

8 IN THE UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 XS Holding B.V., derivately on behalf of
Xslent Technologies, LLC and XET Holding
13 Co., LLC, and separately on its own behalf,

14 Plaintiff,

15 v.

16 COOL EARTH SOLAR, INC., a Delaware
corporation; ROB LAMKIN, an individual;
17 LAWRENCE ASUNCION, an individual;
SOLAR COMPONENTS LLC, a Delaware
18 limited liability company; NATHAN
SCHULHOF, an individual; M. JAMES
19 BULLEN, an individual; MARTIN N.
LETTUNICH, and XSLENT, LLC; and
20 STEFAN MATAN, an individual; ATIRA
TECHNOLOGIES, LLC, a Nevada Limited
21 liability company;

22 Defendants.
23

CASE NO. C08 02282 (RMW)

DEFENDANT ATIRA TECHNOLOGIES,
LLC's JOINDER TO DEFENDANT
XSLENT, LLC'S EX PARTE APPLICATION
FOR ALL DEFENDANTS TO BE
RELIEVED OF THE OBLIGATIONS OF
FRCP RULE 26

24 Defendant Atira Technologies, LLC hereby joins Defendant Xslent, LLC's ex parte
25 request for relief from Federal Rule of Civil Procedure, Rule 26 obligations, filed electronically
26 with this Court on June 16, 2008. Defendants Martin N. Lettunich and Stefan Matan have filed a
27 Motion to Dismiss this action for lack of diversity jurisdiction (Fed.R.Civ.P. rule 12(b)(1).), and
28 for failing to name an indispensable party (Fed.R.Civ.P. rule 12(b)(7).). That motion will be

1 heard on July 25, 2008. At present, pursuant to rule 26 requirements, the parties are required to
2 meet and confer on or before July 18th and to prepare and exchange rule 26 disclosures by
3 August 1st. A case management conference is set for August 8th. The cost of preparing rule 26
4 disclosures, meeting and conferring will be unnecessary once the Motion to Dismiss has been
5 heard. Defendant Atira Technologies, LLC joins with Defendant Xslent, LLC to request that the
6 date to meet and confer and to exchange documents and information required by rule 26 be
7 continued until further order of this Court and until after the Motion to Dismiss has been finally
8 decided.

9 No party has requested a prior continuance or extension of any matter in this action.

10 This Defendant is informed and believes that it, Xslent, LLC, Martin N. Lettinuch, and
11 Stefan Matan are the only Defendants who have appeared in this action and that no other
12 Defendant has been served.

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14 Dated: June 16, 2008

BERLINER COHEN

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16 BY: /s/ CHRISTINE H. LONG
FRANK R. UBHAUS
17 CHRISTINE H. LONG
18 ATTORNEYS FOR DEFENDANT ATIRA
TECHNOLOGIES, LLC.
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